



# Montana Fish, Wildlife & Parks

2300 Lake Elmo Drive  
Billings, MT 59105

## NOTICE OF DECISION

February 8, 2008

TO: Environmental Quality Council  
Director's Office, Dept. of Environmental Quality  
Montana Fish, Wildlife & Parks\*

Director's Office	Lands Section
Parks Division	Design & Construction
Fisheries Division	Legal Unit
Wildlife Division	Regional Supervisors

Mike Volesky, Governor's Office \*  
Sarah Elliott, Press Agent, Governor's Office\*  
Montana Historical Society, State Preservation Office  
Janet Ellis, Montana Audubon Council  
Montana Wildlife Federation  
Montana State Library\*  
George Ochenski  
Montana Environmental Information Center  
Wayne Hirst, Montana State Parks Foundation  
FWP Commissioner Shane Colton\*  
Montana Parks Association  
DNRC Area Manager, Southern Land Office  
County Commissioners  
Other Local Interested People or Groups  
\* (Sent electronically)

Ladies and Gentlemen:

A Draft Environmental Assessment (EA) was prepared for development of a Fishing Access Site in Harlowton, Montana. This project is a cooperative venture between Montana Fish, Wildlife and Parks and the City of Harlowton. The draft EA was circulated for 30 days and legal notices were published in the Helena and Harlowton newspapers as well as Montana's electronic bulletin board. Public input was also welcome at Harlowton City Council meetings. We received three comments, two in support of the project and one in opposition.

This project was initiated and supported by the local community. There is very little access to the Musselshell River over its entirety and this property was already publicly owned. Due to the overall benefit of this project, the department has decided to construct and operate this site as outlined in the EA and under the terms of the cooperative agreement with the City of Harlowton. Our response to concerns raised during the public comment period follows the signature portion of this letter.

This project is subject to appeal, which must be submitted to the FWP Director in writing, and postmarked within 30 days of the date on this decision notice. The appeal must specifically describe the basis for the appeal, explain how the appellant has previously commented to the department or participated in the decision-making process, and lay out how FWP might address the concerns in the appeal. If you have questions regarding this decision notice, please address them to me at [ghammond@mt.gov](mailto:ghammond@mt.gov) or call me at 247-2951.

Sincerely,

A handwritten signature in black ink that reads "Gary Hammond". The signature is written in a cursive style with a large, looping initial "G".

Gary Hammond  
Regional Supervisor

## Comments and Responses

**Comment regarding ease of law enforcement.** The developed area will be visible from both the state highway and from the north. This will both allow local enforcement including a locally stationed game warden, county sheriff and Harlowton Police to watch the site. It will be operated as a day use only site; this will help keep use limited to legitimate recreational use.

**Comment regarding barrier rocks and the road creating a flooding issue.** Barrier rocks were considered to delineate parking; these will not be used in this project. The road will parallel an existing 1.5 foot tall dike with a portion constructed on top the dike and then passing through a breach in the dike. Our design grades will meet the existing grade in the breach to not increase any flood water from building up to elevations higher than historic levels.

**Comment regarding building in the floodplain and required permits.** All required permits will be attained prior to construction.

**Comment about spending funds on existing sites rather than a new site.** Our FAS program balances maintenance of existing sites with construction of new sites. Selkirk and Deadman's Basin, other access sites in Wheatland County, have weekly maintenance done during the summer season. This caretaker would also patrol the Harlowton FAS, requiring relatively little additional expense while providing a positive benefit.

**Comment about latrines causing air and water pollution.** The latrine will be concrete with an effective venting system that will disperse any odors effectively and un-noticeably to even site users.

**Comment about weed control.** Weed control, per the agreement with the City of Harlowton, will be done in accordance with the statewide weed plan. In a developed site such as this, this means a standard of 100% control of state listed noxious weeds. Weed control outside of the site will remain the responsibility of the City of Harlowton and its grazing lessee. We will contract with the Wheatland County Weed Supervisor as well as utilized our own licensed chemical applicators and staff trained in integrated weed management.

**Comment about affects on neighbors, particularly inviting trespass.** We will place signage to alert users of neighboring private land and work with adjacent landowners to address any trespass problems that may occur.